

LEE LOEVINGER 1913-2004 ; Jurist, regulator, trustbuster dies; Ex-Minnesotan pushed through 9- 1-1 emergency phone number

Published May 1, 2004

Copyright permission granted by Star Tribune

Trudi Hahn
Staff Writer

Lee Loevinger was an FCC commissioner in the 1960s when he originated the idea of 9-1-1, the nationwide emergency telephone number, and pushed AT&T to install it even though the telephone conglomerate said the technology was impracticable.

Loevinger, a Minneapolis antitrust lawyer who gave up being a justice of the Minnesota Supreme Court to become the top Justice Department trustbuster in the Kennedy administration, died Monday in Washington, D.C. He was 91.

He originated the idea of using the telephone to summon help in an emergency and pushed it through in 1968 over the initial objections of top officials at AT&T, said his daughter, Barbara Loevinger of Madison, Wis. "When he was confident of his ideas, he could be incredibly assertive," she said.

Loevinger had been appointed an FCC commissioner in 1963 to replace Newton Minow, who had become famous for a 1961 speech in which he called television a "vast wasteland" for not having lived up to an ideal of educating the masses.

Loevinger's view, given in a 1966 speech and praised in a 2003

commentary by Reuven Frank, a former president of NBC News, was, "The common man has every right to be common."

"To attempt to transform a mass medium into a means of expression for the elite is a kind of bowdlerization as presumptuous as it is futile," Loevinger said in the speech.

But the former judge did believe that TV had educated the masses - through commercials. Millions of poor people had seen the accoutrements of middle-class life and felt they should have them too, he told the Minneapolis Tribune in 1967: "It seems to me that television is the literature of the illiterate; the culture of the lowbrow; the wealth of the poor; the privilege of the underprivileged; the exclusive club of the excluded masses."

Loevinger privately called TV "the idiot box," his daughter said. Television began appearing in U.S. homes in the early 1950s, but he refused to buy a set until she, the oldest child, could read the front page of the New York Times without error. They got a TV in 1958, when she fulfilled his requirement at age 7.

Loevinger, born in St. Paul in 1913, studied law at the University in Minnesota. In 1935 he persuaded the student body to vote for the Oxford Resolution, a statement against serving

in the military. The budding pacifist also was instrumental in getting mandatory student military drills dropped.

But when World War II came, the 1936 law graduate volunteered for the Navy, interrupting his first stint at the Justice antitrust division.

Loevinger practiced law in Kansas City, Mo., and served as Minneapolis regional attorney for the National Labor Relations Board before joining the antitrust division in 1941. He returned for a year after the war, then left in 1946 to become a partner with the Minneapolis law firm of Larson, Loevinger, Lindquist, Freeman and Fraser, where he specialized in antitrust law.

In 1960, he was appointed a justice of the Minnesota Supreme Court by his former law partner, Gov. Orville Freeman. But he left in 1961 when President John Kennedy called him to join his administration in battling price-fixers and merger-prone industries.

Loevinger's antitrust unit, in a Justice Department headed by Kennedy's brother, Robert, was accused of timidity on one side and denounced as "antibusiness" on the other. In Loevinger's first two years, he approved a record 150 antitrust suits for prosecution.

"Monopoly is economic hardening of the arteries," he said in 1961.

That year he successfully argued a Supreme Court monopoly case for the government. Mark Jacobson, of Loevinger's former law firm, now Lindquist & Vennum, said Loevinger's

arguments in United States vs. Philadelphia Bank helped establish the principle that the government's antitrust enforcers have a right to challenge a wide variety of corporate mergers and acquisitions.

In 1968, when Loevinger left the FCC, he joined the Washington law firm of Hogan & Hartson, where he continued to specialize in antitrust cases, now defending corporate clients.

Widely published on law topics, in his 80s he began publishing book reviews and articles about his new study, cosmology, the scientific study of the universe.

Loevinger's wife, Ruth, a native of Glencoe, Minn., died Dec. 5. In addition to his daughter Barbara, survivors include sons Eric of Tallahassee, Fla., and Peter of Middletown, Md.; two granddaughters; a brother, Bob of Maryland, and a sister, Jane Loevinger Weissman of St. Louis, Mo.

Services are pending in Washington, D.C.